

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

LISA R. MORGAN)	
)	
Plaintiff,)	Case No. 4:08-CV-00501-FJG
)	
vs.)	
)	
COSTCO WHOLESALE CORPORATION)	

**DEFENDANT COSTCO WHOLESALE CORPORATION'S NOTICE OF
REMOVAL TO THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI, WESTERN DIVISION**

COMES NOW defendant Costco Wholesale Corporation ("Costco"), by and through its counsel of record, and, pursuant to 28 U.S.C. §1332 and 28 U.S.C. §1441, respectfully gives notice of its removal of the above-styled matter from the Circuit Court of Jackson County, Missouri at Independence to the United States District Court, Western District of Missouri, Western Division on the following grounds:

1. On June 6, 2008, plaintiff commenced a civil action in the Circuit Court of Jackson County, Missouri at Independence, Case No. 0816-CV16374 ("state court action").
2. According to the Petition for Damages in Tort filed on June 6, 2008, plaintiff Lisa R. Morgan is a resident of Grain Valley, Jackson County, Missouri.
3. Defendant Costco is a Washington corporation with its principal place of business in Washington.
4. As such, completed diversity of citizenship exists between plaintiff and defendant.

5. The monetary jurisdictional prerequisite to federal jurisdiction under 28 U.S.C. § 1332(a) is also satisfied. Given the expansive allegations in the Petition, the amount that plaintiff has put in controversy exceeds \$75,000. Plaintiff places no limitation on the monetary amount sought in her Petition, stating only that she is seeking an amount in excess of \$25,000 for actual damages in addition to punitive damages. Plaintiff alleges that she was maliciously prosecuted by defendant for stealing a purse from its store located at 29040 East Valley View Parkway, Independence, Missouri. Plaintiff further alleges that she suffered “humiliation, disgrace, shame, injury to reputation, impairment of social standing, physical suffering and mental anguish and thus was damaged.” Pet. at ¶15. Plaintiff is seeking actual and punitive damages for her alleged emotional injuries. Pet. at ¶¶15 and 16. Plaintiff has not stipulated that she will be seeking less than \$75,000. As a result, although defendant Costco does not admit that plaintiff has been injured in any amount as a result of its actions, a reasonable reading of the Petition shows that the amount plaintiff has placed in controversy exceeds \$75,000.

6. Accordingly, plaintiff’s Petition is a civil action over which this court has jurisdiction pursuant to 28 U.S.C. §1332 and which is removable by defendant under the provisions of 28 U.S.C. §1441 in that:

- a. The matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs; and
- b. The matter in controversy is between citizens of different states.

7. Defendant Costco was served with plaintiff's Petition on June 13, 2008. Therefore, pursuant to 29 U.S.C. §1446(b), this Notice is being filed within the requisite thirty (30) days from the date defendant Costco first received a copy of the initial pleading setting forth plaintiff's claims.

8. A copy of all pleadings and papers which have been filed in the state court action have been attached hereto as Exhibit 1.

9. Contemporaneous with the filing of the Notice, and pursuant to 28 U.S.C. §1446(d), written notice of said filing has been mailed to plaintiff's attorney of record and a copy of thereof will be filed with the Clerk of the Circuit Court of Jackson County, Missouri at Independence, the Court from which this action is removed. A copy of that notice is attached hereto as Exhibit 2.

10. This Court is the District Court for the United States for the District and Division within which Jackson County, Missouri at Independence Case No. 0816-CV16374 is pending.

WHEREFORE, defendant Costco requests that the above-entitled action be removed from the Circuit Court of Jackson County, Missouri at Independence to this United States District Court, Western District of Missouri, Western Division.

Respectfully submitted,

/s/ Lee M. Baty

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ATTORNEYS FOR DEFENDANT
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Certificate of Electronic Filing

I hereby certify that on July 11, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following:

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